

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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IN RE PHARMACEUTICAL INDUSTRY	:	MDL 1456
AVERAGE WHOLESALE PRICE	:	
LITIGATION,	:	
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THIS DOCUMENT RELATES TO:	:	Master File No. 01-CV-12257-PBS
ALL ACTIONS	:	
	:	Judge Patti B. Saris

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FILED  
IN CLERKS OFFICE  
2004 OCT 12 P 4:48  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

**FIRST DATABANK, INC.'S MOTION TO FILE UNDER SEAL ITS OBJECTIONS  
TO MAGISTRATE JUDGE BOWLER'S ORDER**

Pursuant to Local Rule 7.2 and Paragraphs 15 and 29 of the Protective Order entered by the Court on December 13, 2002, non-parties First DataBank, Inc. and Patricia Kay Morgan (collectively "FDB"), respectfully request leave to file under seal their Objections to Magistrate Judge Bowler's order delivered from the bench on September 27, 2004, which contain excerpts from the transcript of the deposition of Ms. Morgan and attaches one document produced by FDB. Should the Court allow the motion, the unredacted version of the Objections is submitted herewith.

In support of its motion, FDB states:

(1) Under the terms of the Protective Order, any court filings designated "Highly Confidential" shall be filed under seal. *See* Protective Order ¶ 15.

(2) The transcript of testimony Ms. Morgan gave on November 13, 2002, in *Texas ex. rel. Ven-A-Care of the Florida Keys, Inc. v. Dey, Inc.*, No. GV002327 (Travis Co., Texas) has been designated "Highly Confidential." Similarly, the publication "Price Alert," bates numbered FDB-AWP 15104, also has been designated "Highly Confidential."

(3) FDB has separately filed a redacted public version of its Objections.

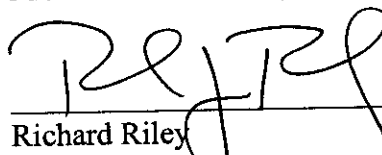
(4) A full, or unredacted version, of the Objections is submitted together with this motion.

WHEREFORE, FDB respectfully requests leave to file the aforementioned Objections under seal.

Dated: October 12, 2004

Respectfully submitted,

MURPHY & RILEY, L.L.P.

A handwritten signature in black ink, appearing to read 'Riley', is written over a horizontal line.

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